

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SETTE *et al.*

Appl. No. 09/412,863

Filed: October 5, 1999

**For: Inducing Cellular Immune  
Responses to Human  
Immunodeficiency Virus-1 Using  
Peptide and Nucleic Acid Compositions**

Confirmation No. 1200

Art Unit: 1644

Examiner: Schwadron, R.B.

Atty. Docket: 2060.0040005/HCC/PAC

**First Supplemental Information Disclosure Statement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed herewith in connection with the above-captioned application. A copy of each document is also provided.

In accordance with 37 C.F.R. 1.98(a)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of the non-English language document, Document AM3 cited on form PTO 1449:

Document AM3, Patent No. WO 95/11255 is in the Japanese language. It is believed that AM3 discloses HIV peptides, 8-11 residues in length, which bind to particular human leukocyte antigens. An English language abstract of document AM3 is located on page one of the document and another English language abstract is attached as Document AR30.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. No statement or fee is required.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Helene C. Carlson  
Agent for Applicants  
Registration No. 47,473

Date: 1/31/03

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FORM PTO-1449  FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 2060.0040005/HCC/PAC	APPLICATION NO. 09/412,863
	APPLICANT SETTE et al.	
	FILING DATE October 5, 1999	GROUP 1644

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE1	5,756,666	05/26/1998	Takiguchi et al.			10/19/1994
	AF1	5,840,313	11/24/1998	Vahlne et al.			06/20/1995
	AG1	6,037,135	03/14/2000	Kubo et al.			11/29/1993
	AH1	2002/0168374 A1	11/14/2002	Kubo et al.			03/20/1997
	AI1	2002/0177694 A1	11/28/2002	Sette et al.			02/03/1998
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL3	EP 0 346 022 A1	12/13/1989	Europe			Yes No
	AM3	WO 95/11255 A1	04/27/1995	WIPO			Yes X No
	AN3	EP 0 728 764 A1	08/28/1996	Europe			Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR		
	AS	<u>26</u>	Altfeld, M.A., et al., "Identification of Novel HLA-A2-Restricted Human Immunodeficiency Virus Type 1-Specific Cytotoxic T-Lymphocyte Epitopes Predicted by the HLA-A2 Supertype Peptide-Binding Motif," <i>J. Virol.</i> 75:1301-1311, American Association for Microbiology (February 2001)
	AT	<u>26</u>	Culmann, B., et al., "Six epitopes reacting with human cytotoxic CD8 <sup>+</sup> T cells in the central region of the HIV-1 Nef protein," <i>J. Immunol.</i> 146:1560-1565, The American Association of Immunologists (1991)

EXAMINER	DATE CONSIDERED
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>27</u>	Kozlowski, S., et al., "Serum Angiotensin-1 Converting Enzyme Activity Processes a Human Immunodeficiency Virus 1 gp160 Peptide for Presentation by Major Histocompatibility Complex Class I Molecules," <i>J. Exp. Med.</i> 175:1417-1422, The Rockefeller University Press (June 1992)
	AS	<u>27</u>	Shankar, P., et al., "Three regions of HIV-1 gp160 contain clusters of immunodominant CTL epitopes," <i>Immunol. Lett.</i> 52:23-30, Elsevier Science B.V. (August 1996)
	AT	<u>27</u>	Takahashi, K., et al., "Specific lysis of human immunodeficiency virus type 1-infected cells by a HLA-A3.1-restricted CD8 <sup>+</sup> cytotoxic T-lymphocyte clone that recognizes a conserved peptide sequence within the gp41 subunit of the envelope protein," <i>Proc. Natl. Acad. Sci. USA</i> 88:10277-10281, National Academy Press (1991)

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	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
AR	<u>28</u>	Wilson, C.C., et al., "Identification and Antigenicity of Broadly Cross-Reactive and Conserved Human Immunodeficiency Virus Type 1-Derived Helper T-Lymphocyte Epitopes," <i>J. Virol.</i> 75:4195-4207, American Society for Microbiology (May 2001)	
AS	<u>28</u>	Copy of co-pending U.S. application 08/205,713, inventor Grey, filed March 4, 1994 (NOT PUBLISHED).	
AT	<u>28</u>	Copy of co-pending U.S. application 08/344,824, inventors Sette et al., filed November 23, 1994 (NOT PUBLISHED).	

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	AL						Yes No
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	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>29</u>	Copy of co-pending U.S. application 08/347,610, inventors Kubo et al., filed December 1, 1994 (NOT PUBLISHED).
	AS	<u>29</u>	Copy of co-pending U.S. application 08/452,843, inventors Sette et al., filed March 30, 1995 (NOT PUBLISHED).
	AT	<u>29</u>	Copy of co-pending U.S. application 09/017,524, inventors Kubo et al., filed February 3, 1998 (NOT PUBLISHED).

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	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>30</u>	Dialog File 351, Accession No. 10268933, Derwent WPI English language abstract for WO 95/11255.
	AS		
	AT		

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